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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/637,442	08/11/2000	Shannon Lee Korson	13DV13511	7955

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EXAMINER

HOMERE, JEAN RAYMOND

ART UNIT	PAPER NUMBER
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2177

DATE MAILED: 04/02/2004

18

Please find below and/or attached an Office communication concerning this application or proceeding.

2

<b>Office Action Summary</b>	<b>Application No.</b> 09/637,442	<b>Applicant(s)</b> KORSON ET AL.	
	<b>Examiner</b> Jean R. Homere	<b>Art Unit</b> 2177	

- The MAILING DATE of this communication appears on the cover sheet with the correspondence address -

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 22 January 2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,2,5 and 8-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2, 5, 8-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Response to Arguments***

1. Applicant's arguments filed on 01/22/04 have been fully considered but they are not persuasive.

***Claim Rejections - 35 USC § 103***

2. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).
3. Claims 1-2, 5, 8-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wright et al. (Wright) hereinafter, US Patent No. 6,353,734 in view of Bauer.

As to claim 1, Wright substantially teaches the invention by disclosing a wireless spread spectrum ground link-based aircraft data communication system for engine event reporting (see title et seq.) In particular, Wright teaches the extraction of engine data from a program database located on the aircraft, wherein said data includes aircraft engine input/output data, raw data, compressed data, etc.(col. 2, lines 6-19 et seq.) Wright further teaches exporting the extracted data to a destination database by downloading the extracted engine data to a storage medium located at an airport (col. 2, lines 20-35 et seq.)

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Wright indicates that performance of the aircraft and the engine record is accumulated throughout the flight and downloaded to the second computer when the flight is complete after landing (col. 2, lines 21-25 et seq.) In other words, Wright implicitly teaches that the time and date after each landing for every flight should also be around the time and date the data is exported between the databases since said data is exported between the two databases for every flight. Wright does not explicitly teach the step of recording the exact date and time of the export. However, Bauer discloses a method for synchronizing databases wherein successful synchronization between the two databases are recorded in an update log (col. 3, lines 60-66; col. 11, lines 65-67 et seq.) It would have been obvious to one of ordinary skill in the art of data processing to combine the teachings of the cited references. Bauer's recording of the time and dates of the updates would allow users of Wright's system to particularly identify when data from the aircraft was downloaded to the ground database.

As to claim 2, Wright teaches the download of accumulated aircraft at the end of each flight thereby updating the ground database only for a new flight when new data has been accumulated. Wright does not particularly teach updating engine data in the ground database for a single flight based upon the indication that the aircraft database has been updated since the last download. Bauer discloses a method for periodically synchronizing databases wherein data from a first database is extracted for export to a second database only if there has been any update to the data in the first database since the last export of data (col. 2 lines 7-12 et seq.) It would have been obvious to one of ordinary skill in the art of data processing to combine the teachings of the cited references. Bauer's teachings would allow users of Wright's system to download engine

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data to the airport database only upon an update to the data since the last download, and it would therefore avoid unnecessary downloads of data if no change has occurred since the last synchronization.

Wright and Bauer teach independent claim 5 as explained by claims 1 and 2 above.

Additionally, Bauer teaches the following steps:

“reading an external time file to determine the last date and time that data was successfully exported to said destination database; searching said program database for data that is new or changed since said last successful export” (col. 13 lines 1-8;)

“retrieving data found in searching said program database” ( col. 11 lines 29-37;)

“wherein said data ... comprises compressed data” (col. 14 lines 11-13.) Bauer teaches that compressed data is stored in the database.

“exporting said retrieved data to said destination database” (col. 11 lines 49-55;)

“after a successful export, updating said external time file with the date and time of said successful export” (col. 12 lines 4-7 et seq.)

As to claim 8, Bauer teaches the step of “... step of searching said program database comprises searching said flight data table for flight data that is new or modified since said last successful export” (col. 11 lines 29-42 et seq.)

As to claim 9 Bauer teaches the step of “retrieving data from said engine data tables and said flight data tables for each flight data record found in said flight data table” (col. 1 lines 35-41.)

As to claim 10, Bauer teaches the step of “providing each of said engine data tables and said aircraft engine tables with an indication that data retrieval is completed after said flight data is retrieved from each table” (col. 11 line 63 to col. 12 line 7.)

As to claim 11, Bauer teaches that “said program database includes a process indicator table” (col. 23 lines 18-35 and Bauer col. 24 lines 43-50.) Further, Bauer teaches the step of “searching said program database comprises searching said process indicator table for reprocessed flight data that is changed since said last successful export” (col. 11 lines 29-42.)

As to claim 12, Bauer teaches the step of “retrieving data from said engine data tables and said aircraft data tables for each reprocessed flight data record found in said process indicator table” (col. 11 lines 23-37.)

As to claim 13, Bauer teaches the step of “providing each of said engine data tables and said aircraft engine tables with an indication that data retrieval is completed after said reprocessed flight data is retrieved from each table” (col. 11 line 63 to col. 12 line 7.)

As to step 14, Bauer teaches that “... said program database includes an initialization data table”, and that “... said step of searching said program database comprises searching said initialization data table for initialization data that is changed since said last successful export” (col. 11 lines 29-42.)

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As to claim 15, Bauer teaches the step of “retrieving initialization data found in said initialization data table” at col. 1 lines 35-41.

As to claim 16, Bauer teaches the step of “providing said initialization data table with an indication that data retrieval is completed after said initialization data is retrieved from said initialization table” at col. 11 line 63 to col. 12 line 7.

As to claim 17, Bauer teaches that “ said program database includes a compression data table” for searching said program database for compression data that is changed since said last successful export” (col. 11 lines 29-42 et seq.)

As to claim 18, Bauer teaches the step of “retrieving compression data found in said compression data table” (col. 1 lines 35-41 et seq.)

As to claim 19, Bauer teaches the step of “providing said compression data table with an indication that data retrieval is completed after said compression data is retrieved from said compression table” (col. 11 line 63 to col. 12 line 7.)

#### **Remarks**

Applicants argue that even though Wright teaches the downloading of flight and engine data, the reference does not particularly teach that the data is exported to from one database to another, and that the downloaded data is not actually stored in the database. In response to the

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preceding argument, the Examiner respectfully submits that as discussed in the office action Wright discloses the exportation of downloaded data to a destination database as downloading engine data to a storage medium located at an airport. See column 2, lines 20-35 et seq. Applicants merely argue that Wright does not teach the limitation in question without rebutting the specific portions of the Wright reference upon which the Examiner relies to make the rejection.

Second, Applicants argue that there is insufficient motivation to combine the Wright and the Bauer references. In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Wright's teaching of downloading engine data to a database can be complemented with Bauer's teaching of recording the times when data is exported to the database. The ordinary skilled artisan in the database art would have found it obvious to make such a combination since the knowledge of keeping track of updates in a database is generally available in the art, as suggested by Bauer at column 3, lines 60-66.

In light of the foregoing arguments, the 35 USC 103 rejection is hereby sustained.



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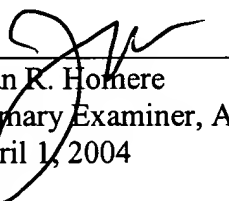
*Conclusion*

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jean R. Homere whose telephone number is (703)-308-6647. The examiner can normally be reached on Monday-Friday from 09:30 a.m.-6:00 p.m. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Breene, can be reached on Monday-Friday from 8:00 a.m. to 3:30 p.m. at (703)-305-9790.

**Any response to this action should be mailed to:** Commissioner of Patents and Trademarks Washington, D.C. 20231, **or faxed to:** (703) 872-9306. Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist). Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

  
\_\_\_\_\_  
Jean R. Homere  
Primary Examiner, A.U. 2177  
April 1, 2004